

Felix G. Romero #72981 OCF
 Name
10 McInregar Range Road
Chaparral, NM 88081
 Address

UNITED STATES DISTRICT COURT
 LAS CRUCES, NEW MEXICO

MAY 19 2015

MATTHEW J. DYKMAN
 CLERK

UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW MEXICO

Felix G. Romero, Plaintiff
 (Full Name)

CASE NO. 15-CV-426
 (To be supplied by the Clerk)

v.

Otero County Prison Facility Defendant(s)
Warden James Framer
MTC Corporation

CIVIL RIGHTS COMPLAINT
 PURSUANT TO 42 U.S.C. §1983

A. JURISDICTION

1) Felix G. Romero #72981, is a citizen of New Mexico
 (Plaintiff) (State)
 who presently resides at OCF WB #39, 10 McInregar Range Rd.
 (Mailing address or place of confinement)
Chaparral, NM 88081

2) Defendant Otero County Prison Facility is a citizen of
 (Name of first defendant)
Chaparral, New Mexico, and is employed as
 (City, State)
 . At the time the claim(s)
 (Position and title, if any)
 alleged in this complaint arose, was this defendant acting under color of state law?
 Yes ☐ No ☒ If your answer is "Yes", briefly explain:

- 3) Defendant Request Class Action Lawsuit is a citizen of
(Name of second defendant)
many other persons/immigrants at this, and is employed as
(City, State)
facility. At the time the claim(s)
(Position and title, if any)
 alleged in this complaint arose, was this defendant acting under color of state.
 Yes ☐ No ☒ If your answer is "Yes", briefly explain:

(Use the back of this page to furnish the above information for additional defendants.)

- 4) ~~Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42 U.S.C. §1983. (If you wish to assert jurisdiction under different or additional statutes, you may list them below.)~~

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

Basic Ambient Conditions of Confinement:

- 1) Overcrowded one Room 72 people open Dorm
- 2) Inadequate Medical/Dental Facility, vision not existent
- 3) Unsanitary Kitchen and Mess Hall
- 4) Non-functioning Classification System
- 5) Overwhelming Idleness, days while facility "Preparing for Audit"
- 6) Incidents of violence and homosexual acts/attacks
- 7) Kangaroo Disciplinary with no un-biased representation and excessive frivolous write ups. i.e. not remaining standing for counts Informal complaint officer is additionally Disciplinary officer.
- 8) 1st Amendment Rights violations, censorship, religion, speech, etc.
- 9) 4th Amendment Rights violations, access to the courts, Law Library
- 10) Lack of Rehabilitation programs, Religious preoccupation psyc. counseling

- 11) Quality and Training of prison personnel
 - a) Code of Ethics
 - b) NMCD policy violation
 - c) Disciplinary
 - d) Grievance
 - e) Religious
 - f) excessive force and lack of deescalation training
- 12) Lack of redress of grievances, Lost Grievance/Informal Complaints, no copies, continuing conduct, writeups, etc
- 13) Health and Safety hazards created by physical facility
 - a) Sickness in Pals
 - b) Lack of proper nutrition
 - c) excessive commissary costs and limits
 - d) taxation with out representation
 - e) Lack of cleaning chemicals/supplies
 - f) unsanitary showers incorrect drainage & privacy
 - g) too many people in open dorm living causing irritability, Lack of sleep, medical grade earplugs not available, lights left on late, some days less than 5 hours sleep between 10pm & 6am for various reasons including but not limited to late count requiring stand up at 11pm w/ Breakfast at 4:30am
 - h) Improper sanitation: Hallways, Gym, Medical, recreation, etc.
- 14) Ignoring and violating 1st, 4th, 8th, 14th coverage US Constitution
- 15) Lack of Mental Health resources
- 16) Because of the amount of and lack of redress of various problems/grievances/living conditions: Totality of conditions aggravate others.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I: Violation of 1st US Constitution Amendment under 14th: Religious Oppression, Religious indifference request. Censorship and disciplinary for people exercising their rights

(2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

- Refused Admittance to various religious programs
- Religious Oppression, Bigotry, non-compliance with Code of Ethics for pagan religions
- Copies of I-60's and grievances
- witnesses Staff and Inmate: Wiccan, Asatru, Buddhist, Christians
- Copies of Informal Complaints
- Write ups, Disciplinary writeups & kangaroo Court
- Copies of Formal grievance

B)(1) Count II: Required "Approved Vendor list only" vendors and publications censored

- Unlawful orders, vague policy reference
- Retaliation via Disciplinary from DHO / ~~via~~ Informal complaint officer.
- Separation of Power Doctrine continually violated.

(2) Supporting Facts:

- Refused copies of Religious & Legal publications,
- I-60's stating several examples of refusals
- pre-approval requests denied, returned, "Not Approved vendor" signed correspondence & initials of staff members
- Refused Religious Vendors "Autism" "Halalco" "Crescent Imports"

C)(1) Count III: 4th Amendment US Constitutional Violations:

- Limiting Law Library access
- 1 day a week only 10 people 1 to 1 1/2 hrs
- outdated policies, procedures, law books
- restricted access to copies, typewriter, computer, etc.

(2) Supporting Facts:

- Documents showing limited Law Library timeframe
- Returned; Refused I-60's documenting refusals
- High cost of Policy Copies; Legal included 50¢ per side per page
- Witnesses: Staff & Inmate
- personal and other Informal Complaints & Grievances from myself and many other persons

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: *[Signature]*

Defendants: _____

b) Name of court and docket number:

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: _____

Many Informal Complaints and Formal Grievances filed and marked unresolved.

- e) Approximate date of filing lawsuit: on or about March, 2015
- f) Approximate date of disposition: Chronic Continuing Disposition

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.

All Administrative redresses not "misplaced by facility staff" were Denied; resolved matters only remained resolved for short amount of time. Many were "rubber stamped" Denial's.

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief:

- Structural Injunction to start Class Action Lawsuit:
- Adequate Medical, Mental Health, Dentistry, and Vision Coverage, competent trained staff.
- Adequate Pharmacy for OTC & prescribed, (they run out of meds)
- Unbiased Disiplinary, Religious, Contract monitor, and Grievance personnel.
- Correct Level 3 housing not 72 people in open dorm

Signature of Attorney (if any)

Jelly A. Romero
Signature of Petitioner

- Injunction stopping OCPF from committing violations of 1st, 4th, and 8th amendment, US Constitutional.

Attorney's full address and telephone number.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at Otero County Prison Facility on 3/1/15 2015.
(Location) (Date)

Jelly A. Romero
(Signature)